

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
MECHANICAL BOARD**

**1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room**

**Cranston, RI 02920**

**Wednesday, April 2, 2014**

**9:00am**

**In attendance: Timothy Byrne**

**Stanley Davies, Chair**

**Robert Eva**

**Fred Foeri (9:07am)**

**Steven Gray**

**Bobby Joe Harris**

**Michael Januario**

**Jack King**

**Quinlan T. Regan**

**Charles Wright**

**Board members not in attendance: Dennis Brennan.**

**Also in attendance were Nick Ranone, Chief Mechanical Investigator;  
Angelyne Cooper, DLT Legal Counsel; and John Shaw, Administrator**

- 1. – Call to Order: Stanley Davies called the meeting to order at 9:03am.**
  
- 2. – Minutes of March 5, 2014 meeting: Motion was made by Charles Wright to accept the minutes of the previous meeting as presented, seconded by Michael Januario and passed unanimously by the Board. It is noted there was a typographical error on the agenda stating “Minutes of March 5, 2013” but should be March 5, 2014.**
  
- 3. – Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Angelyne E. Cooper, DLT Legal Counsel, addressed the Board reminding board members they are subject to the ethics rules. If a member has a conflict with any matter coming before the board, they need recuse themselves from hearing the matter and voting on the matter. Legal Counsel is available for any questions.**
  
- 4. – HEARINGS:**  
**Charles P. Partridge – Violation 4565: Nicholas D. Ranone, Chief Mechanical Investigator; and Charles P. Partridge, respondent, are sworn in for testimony. Mr. Ranone reads the violation and noted the violation was originally written 3/20/2013 and amended for an address change on 2/27/2014.**

**Violation # 4565; Name of Violator: Charles P. Partridge**

**Location of Violation: Darwin Liquors 406 Benefit St. Providence, RI 02909**

**Violation: On 6-29-2012, Charles P. Partridge, contracted and engaged in the installation of a walk-in liquor cooler upgrade at the above mentioned location. Mr. Partridge is not licensed to do this type of work in the State of RI. This is two (2) violations of RIGL- 28-27-5 - Practices for which master or contractor license required.**

**Also, no permit was issued with the City of Providence. This is one (1) violation of RIGL- 28-27-20- State and municipal inspections and installation permits.**

**Three (3) violations @ \$500.00 each. Total \$1500.00.**

**Nick Ranone enters four (4) documents as evidence marked Exhibit A: contract; copy of front and back of check (2 pgs) and a witness statement from George Richards, owner of Darwin Liquors.**

**Mr. Ranone provides testimony and is questioned by the Board. Board members review exhibits.**

**Charles Partridge provides testimony and is questioned by the Board.**

**Questioning of parties continued.**

**Tim Byrne made a motion regarding Violation 4565 based upon testimony and evidence presented that the violation did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Tim Byrne made a motion to uphold the fine; seconded by Charles Wright. There is discussion. In relation to Violation 4565 Charles Wright then made a motion to uphold the fine of \$1,500.00; seconded by Jack King and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director's office.**

**Power Technology Inc. HVAC – Violation 4632: Power Technology Inc. HVAC does not appear. Charles Wright requests to proceed with the violation. There is discussion. This matter was last on the agenda for a hearing in November 2013 at which time the Board requested the statute on the violation be amended. The matter is now coming back before the Board. The hearing was held until Investigator, Robert Gaj, arrived. Robert Gaj, DLT Investigator, is sworn in for testimony. Mr. Gaj reads the violation into the record.**

**Date on Violation 6/11/2013 and amended on 12/31/2013**

**Violation 4632; Name of Violator: Power Technology Inc. HVAC, PO Box 782 Wilkes-Barre, PA**

**Location of Violation: Radio Shack Eagle Sq. Providence, RI 02909**

**Investigator: Robert J. Gaj**

**Violation: On 5-13-2013, Mr. Robert J. Gaj, Chief Licensing Examiner, witnessed Mr. David W. Morrison, an employee of Power Technology Inc., engaging in the repair of a packaged roof top HVAC unit at the above mentioned location. Mr. Morrison does not hold any license to do this type of work in the State of RI. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 2, section b).**

**Also, Power Technology Inc. does not have a Master license holder that is an officer of the company. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 1).**

**Two (2) violations at \$500.00 each. Total \$1,000.00.**

**In relation to Violation 4632, Charles Wright made a motion that there was a violation. The motion was seconded by Fred Foeri. All were in favor. Motion passed.**

**Pertaining to Violation 4632, Tim Byrne made a motion that the fine of \$500.00 per violation be upheld for a total of \$1,000.00. The motion was seconded by Charles Wright. All were in favor. Motion passed.**

**Industrial Transfer & Storage Inc. – Violation 4783: John Arsenault**

**represents Industrial Transfer and Storage Inc and is sworn in for testimony. Nicholas Ranone, having previously been sworn, reads the violation.**

**Date Written: 2/13/2014; Viol # 4783**

**Name of Violator: Industrial Transfer & Storage Inc.**

**Location of Violation: Toray Plastics, Inc. 50 Belver Ave. No. Kingstown, RI 02852-7500.**

**Violation: On 2-7-2014, I, Nicholas Ranone, witnessed four (4) employees of Industrial Transfer & Storage of 7 W. Dudley Rd. Dudley, MA, David J. Boliver, Steve Oster, Ricki L. Artruc and Paul R. Bastien, in the process of installing a large piece of equipment for the generating system at the above mentioned location. After speaking with the foreman from Industrial Transfer & Storage, Mr. Steve Oster, he also admitted to the installation of a similar piece of equipment a day prior.**

**Industrial Transfer & Storage is not licensed to contract or engage in this type of work in the State of RI. This is two (2) violations of RIGL 28-27-6 Corporations and firms engaged in business.**

**Two (2) violations at \$500.00 each. Total \$1000.00.**

**Nicholas Ranone submits 8 photographs taken at the investigation as Exhibit A.**

**Mr. Ranone provides testimony and is questioned by the Board.**

**John Arsenault addressed the Board and requests that his remarks be applied to the four employees, Violations 4784, 4785, 4786 and 4787. They are the next four violations on the agenda. Nicholas Ranone confirms that it is the same violation. Mr. Arsenault provides testimony and is questioned by the Board.**

**In reference to Violation 4783, Industrial Transfer & Storage, Inc., Charles Wright made a motion that a violation did occur. The motion was seconded by Robert Eva. Voting in favor were Timothy Byrne, Robert Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Quinlan T. Regan and Charles Wright. Michael Januario and Jack King were in opposition. By a vote of 7 to 2 the motion passed.**

**In relation to Violation 4783, Charles Wright made a motion to uphold the fine of \$1,000.00 assessed as per RIGL 28-27-24. The motion was seconded by Tim Byrne. Voting in favor were Timothy Byrne, Robert Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Quinlan T. Regan and Charles Wright. Michael Januario and Jack King were in opposition. By a vote of 7 to 2 the motion passed.**

**The recommendation will be forwarded to the Director's office.**

**Ricki L. Artruc – Violation 4784**

**David J. Boliver – Violation 4785**

**Steve Oster – Violation 4786**

**Paul R. Bastien – Violation 4787**

**Violations 4784, 4785, 4786 and 4787 are for the employees of Industrial Transfer & Storage, Inc (Violation 4783). Tim Byrne recommends that the four (4) violations (Violations 4784, 4785, 4786 and 4787) all be considered as one, seconded by Charles Wright and passed unanimously by the Board.**

**Chief Mechanical Investigator confirms that the violations are the same and presents the violation once for Violation 4874, Ricki Artruc; Violation 4875, David J. Boliver; Violation 4786, Steve Oster; and Violation 4787, Paul R. Bastien. Mr. Ranone included all employee names when reading the violation.**

**Location of Violation: Toray Plastics, Inc. 50 Belver Ave. No. Kingstown, RI 02852-7500**

**Violation: On 2-7-2014, I, Nicholas Ranone, witnessed Mr. Ricki L. Artruc, Mr. David Boliver, Mr. Steve Oster and Mr. Paul R. Bastien, all employees of Industrial Transfer & Storage of 7 W. Dudley Rd. Dudley, MA, in the process of installing a large piece of equipment for the generating system at the above mentioned location. After speaking with the foreman from Industrial Transfer & Storage, Mr.**



**Steve Oster, he also admitted that a similar piece of equipment was installed a day prior.**

**Mr. Artruc, Mr. Boliver, Mr. Oster and Mr. Bastien are not licensed to engage in this type of work in the State of RI. This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**The fine for each of these gentleman is \$500.00 each.**

**Charles Wright made a motion that Violation 4784, 4785, 4786 and 4787 did occur. The motion was seconded by Tim Byrne. Voting in favor were Timothy Byrne, Robert Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Quinlan T. Regan and Charles Wright. Michael Januario and Jack King were in opposition. By a vote of 7 to 2 the motion passed.**

**In relation to Violation 4784, 4785, 4786 and 4787 Charles Wright made a motion that per RIGL 28-27-24 a \$500.00 has been imposed and that it be upheld. The motion was seconded by Tim Byrne. Voting in favor were Timothy Byrne, Robert Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Quinlan T. Regan and Charles Wright. Michael Januario and Jack King were in opposition. By a vote of 7 to 2 the motion passed.**

**The recommendations will be forwarded to the Director's office.**

**End of hearings.**

**5. – Revocation Hearing – Robert J. Lubera DBA Lubera Plumbing LLC – Violation 4801: Robert J. Lubera is sworn in for testimony. Nicholas Ranone, Chief Mechanical Investigator, having been previously sworn, reads the violation into the record.**

**Violation writtend 2/28/2014; Violation #: 4801**

**Name of Violator: Robert J. Lubera DBA Lubera Plumbing LLC, PM-1 #7572, Location of Violation: Richard A. Bernard Jr. 20 Earle St. West Warwick, RI 02893**

**Violation: On 9-6-2013, a mechanical permit was taken out by Mr. Robert J Lubera for the installation of two (2) gas fired hot air furnaces at the above mentioned location. On 10-5-2013, Mr. Tom Calci, DBA: P&T Plumbing & Heating, contracted for and engaged in the installation of the two (2) gas fired hot air furnaces at the above mentioned location. This was confirmed by a written statement, a job invoice and cancelled checks that I obtained from the homeowner Mr. Richard Bernard, along with a business card labeled P&T Plumbing & Heating, with Mr. Tom Calci's name and phone number on it.**

**After speaking with Mr. Lubera on 2-13-2014, he admitted that he had no affiliation with the contract or installation of this job whatsoever and that Mr. Calci did pay him to obtain the permit for him to contract**

**and engage in this installation.**

**This is three (3) violations of the below referenced RIGL 28-27-21 Grounds for Revocation of License (3), (4), (6).**

**RIGL 28-27-21 (3) Knowingly hiring, directly aiding or assisting any person to engage in the work specified for a pipefitter or refrigeration/air conditioning or fire protection sprinkler contractor/sprinkler fitter master or journeyperson or sheet metal contractor or journeyperson sheet metal worker when that person does not have a license as provided in this chapter.**

**RIGL 28-27-21 (4) Willfully and fraudulently loaning his or her license to any other person for the purpose of permitting that person to engage in any work in violation of this chapter.**

**RIGL 28-27-21 (6) Willfully violating any of the provisions of this chapter including the rules, regulations and licensing criteria guide promulgated under this chapter.**

**In the alternative, the three (3) violations cited above are each subject to a \$500.00 fine for a total of \$1,500.00.**

**A revocation hearing will be held on Wednesday, April 2, 2014 at 9:00am at the RI Department of Labor and Training, 1511 Pontiac Avenue, Building 70, 2nd Floor Conference Room, Cranston, RI**

**02920. After a full and fair hearing, the Board may recommend to the Director to revoke your license or in the alternative, to impose a monetary fine. If you fail to appear, the hearing will continue as scheduled and be held in your absence.**

**Mr. Ranone provides testimony and is questioned by the Board. Mr. Ranone enters the documents in to evidence: Exhibit A – letter from Richard Bernard (3 pages); Exhibit B – copy of invoice and canceled checks (3 pages); Exhibit C – Mechanical permit (2 pages); and Exhibit D – copy of business cards for P & T Plumbing (Tom Calci) and Robert A. Bernard Jr. Questioning of Mr. Ranone continued. Board members review the exhibits.**

**Robert Lubera provides testimony and is questioned by the Board. Mr. Lubera enters documents into evidence: Exhibit E – pictures of furnaces; and Exhibit F – permit. Questioning continued.**

**Regarding Violation 4801, Timothy Byrne made a motion that a violation of RIGL 28-27-21 (3), (4) and (6) did in fact occur. The motion was seconded by Charles Wright. The motion passed unanimously.**

**In relation to Violation 4801, as per RIGL 28-27-24, a fine of \$1,500.00 was imposed; Charles Wright made a motion that the fine upheld. The motion was seconded by Timothy Byrne. The motion passed unanimously.**

**There is discussion.**

**The recommendation will be forwarded to the Director's office.**

**6. – New Business – Review of proposed changes to Rules and Regulations and proposed licenses: Charles Wright addressed the Board regarding proposed changes to the Rules and Regulations. Proposed revisions to the Rules and Regulations are distributed for board members to review. Review began with the Master Mechanical Contractor license. Due to the vast amount of information to review Tim Byrne recommended breaking up the review by license class at separate meetings. There is discussion of holding special meetings to review the material. Mr. Wright then recommends board members review the material and report back to him any recommended changes. Mr. Wright will make corrections/changes ongoing. Final recommendation will be made at a Board meeting. Mr. Wright will send the master licenses to board members to be reviewed first. The process of revising the rules and regulations is discussed.**

**7. – Adjournment: A motion to adjourn was made by Charles Wright; seconded by Steve Gray and passed unanimously by the Board. The meeting adjourned at 10:28am.**